

House Study Bill 504 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act reducing the statute of repose period in a case arising
2 out of the unsafe or defective condition of an improvement
3 to real property and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, subsection 11, Code 2014, is
2 amended to read as follows:

3 11. *Improvements to real property.* In addition to
4 limitations contained elsewhere in this section, an action
5 arising out of the unsafe or defective condition of an
6 improvement to real property based on tort and implied warranty
7 and for contribution and indemnity, and founded on injury to
8 property, real or personal, or injury to the person or wrongful
9 death, shall not be brought more than ~~fifteen~~ eight years after
10 the date on which occurred the act or omission of the defendant
11 alleged in the action to have been the cause of the injury or
12 death. However, this subsection does not bar an action against
13 a person solely in the person's capacity as an owner, occupant,
14 or operator of an improvement to real property.

15 Sec. 2. APPLICABILITY. This Act applies to actions filed on
16 or after the effective date of this Act.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to the statute of repose period in a
21 case arising out of the unsafe or defective condition of an
22 improvement to real property.

23 The bill reduces the 15-year statute of repose period in a
24 case arising out of the unsafe or defective condition of an
25 improvement to real property to eight years. Such cases are
26 based upon an injury to property or an injury or death of a
27 person.

28 A statute of repose period differs from a statute of
29 limitations period in that a statute of repose period
30 establishes a time period after which a lawsuit based upon
31 negligence in an improvement to real property cannot be filed
32 regardless of whether an injury to a person or to property has
33 occurred. A statute of limitations period begins at the date
34 of the injury or upon discovery of the deficiency.

35 The bill applies to actions filed on or after the effective

H.F. _____

1 date of the bill.